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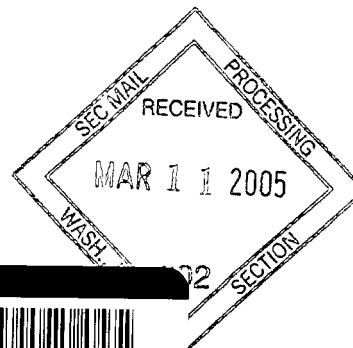
Chris Burdett  
Direct Tel: (650) 813-4870  
Direct Fax: (650) 813-4848  
chris.burdett@dechert.com

40-33

March 10, 2005

**VIA FEDERAL EXPRESS**

Filing Desk  
U.S. Securities and Exchange Commission  
450 Fifth Street, N.W.  
Washington, D.C. 20549



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FRANKFURT

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HARTFORD

LONDON

LUXEMBOURG

MUNICH

NEW YORK

NEWPORT BEACH

PALO ALTO

PARIS

PHILADELPHIA

PRINCETON

SAN FRANCISCO

WASHINGTON

Re: Filing Pursuant to Section 33 of the Investment Company Act of 1940, as amended

Dear Sir or Madam :

On behalf of Brent R. Harris, R. Wesley Burns, E. Philip Cannon, Vern O. Curtis, J. Michael Hagan and William J. Popejoy, enclosed is a copy of the Stipulation and [Proposed] Order Consolidating Dates for Responses to the Complaint and the relevant proof of service filed on March 9, 2005 in the U.S. District Court for the Central District of California (*Mutchka v. Harris*, Case Number SACV05-0034 JVS (ANx)). These pleadings are being filed pursuant to Section 33 of the Investment Company Act of 1940, as amended.

At the request of our individual clients, we are also making this filing on behalf of Pacific Investment Management Company (PIMCO).

If you have any questions regarding this filing, please contact me at (650) 813-4870.

Please acknowledge receipt of this filing by date-stamping the enclosed copy of this letter and returning it in the envelope provided.

Respectfully submitted,

*Chris Burdett*

Chris Burdett

DCB/kw

cc: Mohan V. Phansalkar, Esq. (with enclosures)  
Robert A. Skinner, Esq. (with enclosures)

PROCESSED

APR 21 2005

THOMSON  
FINANCIAL

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1 Gidon M. Caine, State Bar No. 18116  
2 Dechert LLP  
3 975 Page Mill Road  
4 Palo Alto, California 94304-1013  
5 Telephone: 650.813.4800  
6 Facsimile: 650.813.4848

7 Attorney for Defendants  
8 BRENT R. HARRIS, R. WESLEY BURNS,  
9 E. PHILIP CANNON, VERN O. CURTIS,  
10 MICHAEL HAGAN, and WILLIAM J.  
11 POPEJOY

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION -- SANTA ANA

15 CHARLES MUTCHKA and  
16 PAULINE MUTCHKA, on Behalf  
17 of Themselves and All Others  
18 Similarly Situated,

19 Plaintiffs,

20 v.

21 BRENT R. HARRIS, R. WESLEY  
22 BURNS, DAVID C. FLATTUM, E.  
23 PHILIP CANNON, VERN O.  
24 CURTIS, J. MICHAEL HAGAN,  
25 WILLIAM J. POPEJOY, DONALD  
26 P. CARTER, GARY A.  
27 CHILDRESS, THEODORE J.  
28 COBURN, W. BRYANT STOOKS,  
GERALD THORNE, PACIFIC  
INVESTMENT MANAGEMENT  
COMPANY (PIMCO), PA FUND  
MANAGEMENT LLC, NFJ  
INVESTMENT GROUP LP,  
NICHOLAS-APPLEGATE  
CAPITAL MANAGEMENT LLC,  
CADENCE CAPITAL  
MANAGEMENT LLC, RCM  
CAPITAL MANAGEMENT LLC,  
AND JOHN DOES NO. 1 through  
100,

Defendants.

Case No. SACV05-0034 JVS (ANx)

STIPULATION AND [PROPOSED]  
ORDER CONSOLIDATING DATES  
FOR RESPONSES TO THE  
COMPLAINT

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10 WHEREAS, pursuant to a Stipulation and Order entered by this Court on  
11 February 11, 2005, the time for the Corporate Defendants to answer or otherwise  
12 respond to the Complaint was extended to March 9, 2005;

19 WHEREAS Defendants' counsel desire to perform a thorough investigation  
20 into the facts and issues surrounding the Complaint before filing the Defendants'  
21 response to the Complaint;

25       WHEREAS the requested extension would have no effect on any schedule  
26   for the case;


///

1 NOW THEREFORE, THE PARTIES, BY AND THROUGH THEIR  
2 UNDERSIGNED COUNSEL, HEREBY STIPULATE AND AGREE AS  
3 FOLLOWS:

4 Pursuant to Fed. R. Civ. P. 4(d) and Central District of California Civil Local  
5 Rules 7-1 and 8-3, the Corporate Defendants and Individual Defendants shall have  
6 until April 8, 2005 to answer or otherwise respond to the Complaint.

7  
8  
9 DATED: March 8, 2005

KIESEL, BOUCHER & LARSON, LLP

10  
11 By:   
12 Paul R. Kiesel (SBN 119854)  
13 William L. Larson (SBN 119951)  
14 Patrick DeBlase (SBN 167138)  
15 8648 Wilshire Boulevard  
16 Beverly Hills, California 90211-2910  
17 Telephone: (310) 854-4444  
18 Facsimile: (310) 854-0812

19 and  
20 Randall K. Pulliam  
21 BARON & BUDD, P.C.  
22 3102 Oak Lawn Avenue, Suite 1100  
23 Dallas, Texas 75219-4281  
24 Telephone: (214) 521-3605  
25 Facsimile: (214) 520-1181

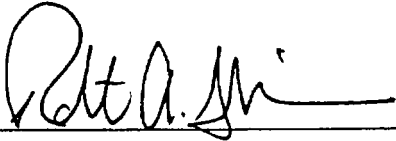
26 And  
27 J. Allen Carney  
28 Hank Bates  
CAULEY BOWMAN CARNEY &  
WILLIAMS, LLP  
11131 Arcade Drive, Suite 200  
Little Rock, Arkansas 72212  
Telephone: (501) 312-8500  
Facsimile: (501) 312-8505

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Attorney for Plaintiffs  
CHARLES MUTCHKA and PAULINE  
MUTCHKA, on Behalf of Themselves and  
All Others Similarly Situated

1 DATED: March 7, 2005

ROPES & GRAY LLP

2  
3 By: 

4 Robert A. Skinner

5 Petition for Admission *Pro Hac Vice*

6 To be filed

7 One International Place

8 Boston, Massachusetts 02110-2624

9 Telephone : (617) 951-7560

10 Facsimile: (617) 951-7050

11 Attorneys for Defendants

12 DAVID C. FLATTUM, DONALD P.

13 CARTER, GARY A. CHILDRESS,

14 THEODORE J. COBURN, W. BRYANT

15 STOOKS, GERALD M. THORNE, PA

16 FUND MANAGEMENT LLC, NFJ

17 INVESTMENT GROUP LP, NICHOLAS-

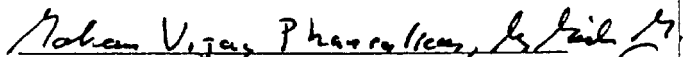




18 APPLEGATE CAPITAL MANAGEMENT

19 LLC, CADENCE CAPITAL

20 MANAGEMENT LLC, and RMC

21 CAPITAL MANAGEMENT LLC

22 DATED: March 8, 2005

23   
24 Mohan Vijay Phansalkar (SBN 131417)   
25 840 Newport Center Drive   
26 Suite 300   
27 Newport Beach, California 92658-6430   
28 Telephone: (949) 720-6180  
Facsimile: (949) 720-4590

Attorney for Defendant

PACIFIC INVESTMENT MANAGEMENT

COMPANY LLC, sued as PACIFIC

INVESTMENT MANAGEMENT

COMPANY (PIMCO)

1 DATED: March 8 2005

DECHERT LLP

2  
3 By: Gidon M. Caine  
4 Gidon M. Caine

5 975 Page Mill Road  
6 Palo Alto, California 94304-1013  
7 Telephone: (650) 813-4854  
8 Facsimile: (650) 813-4848

9 Attorneys for Defendants  
10 BRENT R. HARRIS, R. WESLEY BURNS,  
11 E. PHILIP CANNON, VERN O. CURTIS,  
12 J. MICHAEL HAGAN, and WILLIAM J.  
13 POPEJOY

14 **ORDER**

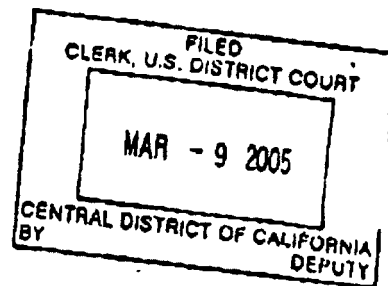
15 IT IS SO ORDERED:

16  
17 DATED: \_\_\_\_\_, 2005

18  
19 \_\_\_\_\_  
20 HON. JAMES V. SELNA  
21  
22  
23  
24  
25  
26  
27  
28

1 Gidon M. Caine, State Bar No. 188110  
2 Dechert LLP  
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7 Attorney for Defendants  
8 BRENT R. HARRIS, R. WESLEY BURNS,  
9 E. PHILIP CANNON, VERN O. CURTIS, J.  
10 MICHAEL HAGAN, and WILLIAM J.  
11 POPEJOY



12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION - SANTA ANA

15 CHARLES MUTCHKA and  
16 PAULINE MUTCHKA, on Behalf  
17 of Themselves and All Others  
18 Similarly Situated,

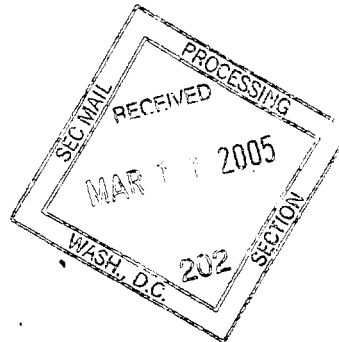
19 Plaintiffs,

20 v.

21 BRENT R. HARRIS, R. WESLEY  
22 BURNS, DAVID C. FLATTUM, E.  
23 PHILIP CANNON, VERN O.  
24 CURTIS, J. MICHAEL HAGAN,  
25 WILLIAM J. POPEJOY, DONALD  
26 P. CARTER, GARY A.  
27 CHILDRESS, THEODORE J.  
28 COBURN, W. BRYANT STOOKS,  
GERALD THORNE, PACIFIC  
INVESTMENT MANAGEMENT  
COMPANY (PIMCO), PA FUND  
MANAGEMENT LLC, NFJ  
INVESTMENT GROUP LP,  
NICHOLAS-APPLEGATE  
CAPITAL MANAGEMENT LLC,  
CADENCE CAPITAL  
MANAGEMENT LLC, RCM  
CAPITAL MANAGEMENT LLC,  
AND JOHN DOES NO. 1 through  
100,

Defendants.

Case No. SACV05-0034 JVS (ANx)  
PROOF OF SERVICE BY MAIL





1 Case Name: **MUTCHKA V. HARRIS**  
2 Case No.: **SACV05-0034 JVS (ANx)**

3 **PROOF OF SERVICE**

4 The undersigned certifies and declares as follows

5 I am employed in the County of Santa Clara, State of California. I am over  
6 the age of 18 and not a party to the within action. My business address is 975 Page  
Mill Road, Palo Alto, California 94304.

7 On March 8, 2005, I served on interested parties in said action the within:

8 **STIPULATION AND [PROPOSED] ORDER CONSOLIDATING**  
9 **DATES FOR RESPONSES TO THE COMPLAINT**

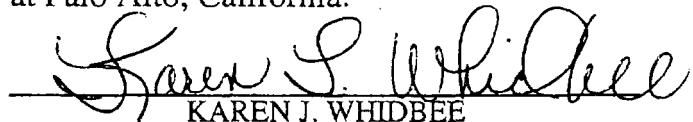
<u>Attorneys:</u>	<u>Representing:</u>
Paul R. Kiesel (SBN 119854) William L. Larson (SBN 119951) Patrick DeBlase (SBN 167138) 8648 Wilshire Boulevard Beverly Hills, California 90211- 2910	Attorney for Plaintiffs CHARLES MUTCHKA and PAULINE MUTCHKA
Randall K. Pulliam BARON & BUDD, P.C. 3102 Oak Lawn Avenue, Suite 1100 Dallas, Texas 75219-4281	Attorney for Plaintiffs CHARLES MUTCHKA and PAULINE MUTCHKA
J. Allen Carney, Esq. Hank Bates, Esq. CAULEY BOWMAN CARNEY & WILLIAMS, LLP 11131 Arcade Drive, Suite 200 Little Rock, Arkansas 72212	Attorney for Plaintiffs CHARLES MUTCHKA and PAULINE MUTCHKA

<u>Attorneys:</u>	<u>Representing:</u>
Robert A. Skinner ROPES & GRAY Petition for Admission <i>Pro Hac Vice</i> To be filed One International Place Boston, Massachusetts 02110-2624	Attorneys for Defendants DAVID C. FLATTUM, DONALD P., CARTER, GARY A. CHILDRESS, THEODORE J. COBURN, W. BRYANT STOOKS, GERALD M. THORNE, PA FUND MANAGEMENT LLC, NFJ INVESTMENT GROUP LP, NICHOLAS APPLGATE CAPITAL MANAGEMENT LLC, CADENCE CAPITAL MANAGEMENT LLC, and RMC CAPITAL MANAGEMENT LLC
Mohan Vijay Phansalkar, Esq. 840 Newport Center Drive, Suite 300 Newport Beach, California 92658-6430	Attorney for Defendant PACIFIC INVESTMENT MANAGEMENT COMPANY LLC, sued as PACIFIC INVESTMENT MANAGEMENT COMPANY (PIMCO)

[X] **By U.S. Mail, According to Normal Business Practices.** On the above date, at my place of business at the above address, I sealed the above document(s) in an envelope addressed to the above, and I placed that sealed envelope for collection and mailing following ordinary business practices, for deposit with the U.S. Postal Service. I am readily familiar with the business practice at my place of business for the collection and processing of correspondence for mailing with the U.S. Postal Service. Correspondence so collected and processed is deposited with the U.S. Postal Service the same day in the ordinary course of business, postage fully prepaid.

I certify and declare under the penalty of perjury that the foregoing is true and correct.

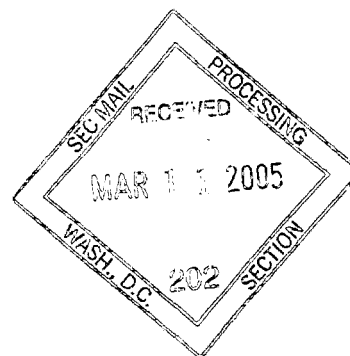
Executed on March 8, 2005, at Palo Alto, California.

  
KAREN J. WHIDBEE

March 10, 2005

**VIA FEDERAL EXPRESS**

Filing Desk  
U.S. Securities and Exchange Commission  
450 Fifth Street, N.W.  
Washington, D.C. 20549



BOSTON

BRUSSELS

CHARLOTTE

FRANKFURT

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HARTFORD

LONDON

LUXEMBOURG

MUNICH

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NEWPORT BEACH

PALO ALTO

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PHILADELPHIA

PRINCETON

SAN FRANCISCO

WASHINGTON

Re: Filing Pursuant to Section 33 of the Investment Company Act of 1940, as amended

Dear Sir or Madam :

On behalf of Brent R. Harris, R. Wesley Burns, E. Philip Cannon, Vern O. Curtis, J. Michael Hagan and William J. Popejoy, enclosed is a copy of the Stipulation and [Proposed] Order Consolidating Dates for Responses to the Complaint and the relevant proof of service filed on March 9, 2005 in the U.S. District Court for the Central District of California (*Mutchka v. Harris*, Case Number SACV05-0034 JVS (ANx)). These pleadings are being filed pursuant to Section 33 of the Investment Company Act of 1940, as amended.

At the request of our individual clients, we are also making this filing on behalf of Pacific Investment Management Company (PIMCO).

If you have any questions regarding this filing, please contact me at (650) 813-4870.

Please acknowledge receipt of this filing by date-stamping the enclosed copy of this letter and returning it in the envelope provided.

Respectfully submitted,



Chris Burdett

DCB/kw

cc: Mohan V. Phansalkar, Esq. (with enclosures)  
Robert A. Skinner, Esq. (with enclosures)

103676.1.PAL\_17 3/10/05 3:39

1 Gidon M. Caine, State Bar No. 18111  
2 Dechert LLP  
3 975 Page Mill Road  
4 Palo Alto, California 94304-1013  
5 Telephone: 650.813.4800  
6 Facsimile: 650.813.4848

7 Attorney for Defendants  
8 BRENT R. HARRIS, R. WESLEY BURNS,  
9 E. PHILIP CANNON, VERN O. CURTIS,  
10 MICHAEL HAGAN, and WILLIAM J.  
11 POPEJOY

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION -- SANTA ANA

15 CHARLES MUTCHKA and  
16 PAULINE MUTCHKA, on Behalf  
17 of Themselves and All Others  
18 Similarly Situated,

19 Plaintiffs,

20 v.

21 BRENT R. HARRIS, R. WESLEY  
22 BURNS, DAVID C. FLATTUM, E.  
23 PHILIP CANNON, VERN O.  
24 CURTIS, J. MICHAEL HAGAN,  
25 WILLIAM J. POPEJOY, DONALD  
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27 CHILDRESS, THEODORE J.  
28 COBURN, W. BRYANT STOOKS,  
GERALD THORNE, PACIFIC  
INVESTMENT MANAGEMENT  
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CAPITAL MANAGEMENT LLC,  
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CAPITAL MANAGEMENT LLC,  
AND JOHN DOES NO. 1 through  
100,

Defendants.

Case No. SACV05-0034 JVS (ANx)

STIPULATION AND [PROPOSED]  
ORDER CONSOLIDATING DATES  
FOR RESPONSES TO THE  
COMPLAINT



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1 NOW THEREFORE, THE PARTIES, BY AND THROUGH THEIR  
2 UNDERSIGNED COUNSEL, HEREBY STIPULATE AND AGREE AS  
3 FOLLOWS:

4 Pursuant to Fed. R. Civ. P. 4(d) and Central District of California Civil Local  
5 Rules 7-1 and 8-3, the Corporate Defendants and Individual Defendants shall have  
6 until April 8, 2005 to answer or otherwise respond to the Complaint.

7  
8  
9 DATED: March 8, 2005

KIESEL, BOUCHER & LARSON, LLP

10  
11 By:   
12 Paul R. Kiesel (SBN 119854)  
13 William L. Larson (SBN 119951)  
14 Patrick DeBlase (SBN 167138)  
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21 BARON & BUDD, P.C.  
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23 Dallas, Texas 75219-4281  
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25 Facsimile: (214) 520-1181

26 And  
27 J. Allen Carney  
28 Hank Bates  
CAULEY BOWMAN CARNEY &  
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Telephone: (501) 312-8500  
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Attorney for Plaintiffs  
CHARLES MUTCHKA and PAULINE  
MUTCHKA, on Behalf of Themselves and  
All Others Similarly Situated

1 DATED: March 7, 2005

ROPES & GRAY LLP

2  
3  
4 By: 

Robert A. Skinner

Petition for Admission *Pro Hac Vice*

To be filed

One International Place

Boston, Massachusetts 02110-2624

Telephone : (617) 951-7560

Facsimile: (617) 951-7050

9 Attorneys for Defendants

10 DAVID C. FLATTUM, DONALD P.

11 CARTER, GARY A. CHILDRESS,

12 THEODORE J. COBURN, W. BRYANT

13 STOOKS, GERALD M. THORNE, PA

14 FUND MANAGEMENT LLC, NFJ

15 INVESTMENT GROUP LP, NICHOLAS-

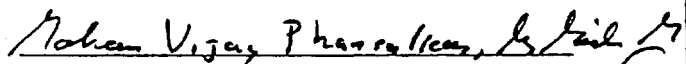
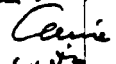



16 APPLGATE CAPITAL MANAGEMENT

17 LLC, CADENCE CAPITAL

18 MANAGEMENT LLC, and RMC

19 CAPITAL MANAGEMENT LLC

20 DATED: March 8, 2005

21   
Mohan Vijay Phansalkar (SBN 131417)   
840 Newport Center Drive   
Suite 300   
Newport Beach, California 92658-6430   
Telephone: (949) 720-6180  
Facsimile: (949) 720-4590

24 Attorney for Defendant

25 PACIFIC INVESTMENT MANAGEMENT

26 COMPANY LLC, sued as PACIFIC

27 INVESTMENT MANAGEMENT

28 COMPANY (PIMCO)



1 DATED: March 8 2005

DECHERT LLP

2  
3 By: Gidon M. Caine  
4 Gidon M. Caine

5 975 Page Mill Road  
6 Palo Alto, California 94304-1013  
7 Telephone: (650) 813-4854  
8 Facsimile: (650) 813-4848

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11 E. PHILIP CANNON, VERN O. CURTIS,  
12 J. MICHAEL HAGAN, and WILLIAM J.  
13 POPEJOY

14 **ORDER**

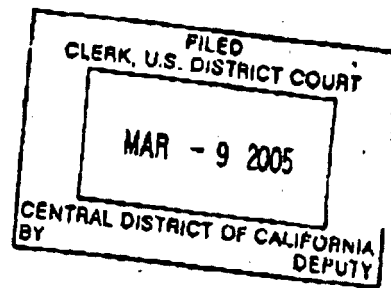
15 IT IS SO ORDERED:

16  
17 DATED: \_\_\_\_\_, 2005

18  
19 \_\_\_\_\_  
20 HON. JAMES V. SELNA  
21  
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23  
24  
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1   Gidon M. Caine, State Bar No. 188110  
2   Dechert LLP  
3   975 Page Mill Road  
4   Palo Alto, California 94304-1013  
5   Telephone: 650.813.4800  
6   Facsimile: 650.813.4848

7   Attorney for Defendants  
8   BRENT R. HARRIS, R. WESLEY BURNS,  
9   E. PHILIP CANNON, VERN O. CURTIS, J.  
10   MICHAEL HAGAN, and WILLIAM J.  
11   POPEJOY



12                                   UNITED STATES DISTRICT COURT  
13                                   CENTRAL DISTRICT OF CALIFORNIA  
14                                   SOUTHERN DIVISION – SANTA ANA

15   CHARLES MUTCHKA and  
16   PAULINE MUTCHKA, on Behalf  
17   of Themselves and All Others  
18   Similarly Situated,

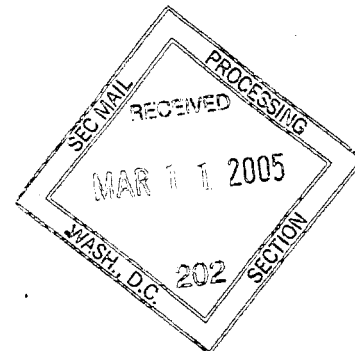
19                                   Plaintiffs,

20                                   v.

21   BRENT R. HARRIS, R. WESLEY  
22   BURNS, DAVID C. FLATTUM, E.  
23   PHILIP CANNON, VERN O.  
24   CURTIS, J. MICHAEL HAGAN,  
25   WILLIAM J. POPEJOY, DONALD  
26   P. CARTER, GARY A.  
27   CHILDRESS, THEODORE J.  
28   COBURN, W. BRYANT STOOKS,  
29   GERALD THORNE, PACIFIC  
30   INVESTMENT MANAGEMENT  
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38   CAPITAL MANAGEMENT LLC,  
39   AND JOHN DOES NO. 1 through  
40   100,

41                                   Defendants.

Case No. SACV05-0034 JVS (ANx)  
PROOF OF SERVICE BY MAIL



Case Name: **MUTCHKA V. HARRIS**

Case No.: **SACV05-0034 JVS (ANx)**

**PROOF OF SERVICE**

The undersigned certifies and declares as follows

I am employed in the County of Santa Clara, State of California. I am over the age of 18 and not a party to the within action. My business address is 975 Page Mill Road, Palo Alto, California 94304.

On March 8, 2005, I served on interested parties in said action the within:

**STIPULATION AND [PROPOSED] ORDER CONSOLIDATING  
DATES FOR RESPONSES TO THE COMPLAINT**

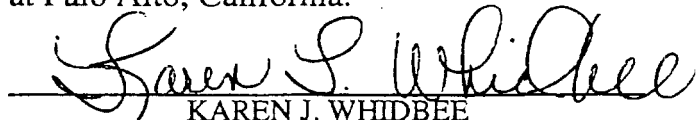
<u>Attorneys:</u>	<u>Representing:</u>
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Mohan Vijay Phansalkar, Esq. 840 Newport Center Drive, Suite 300 Newport Beach, California 92658-6430	Attorney for Defendant PACIFIC INVESTMENT MANAGEMENT COMPANY LLC, sued as PACIFIC INVESTMENT MANAGEMENT COMPANY (PIMCO)

**[X] By U.S. Mail, According to Normal Business Practices.** On the above date, at my place of business at the above address, I sealed the above document(s) in an envelope addressed to the above, and I placed that sealed envelope for collection and mailing following ordinary business practices, for deposit with the U.S. Postal Service. I am readily familiar with the business practice at my place of business for the collection and processing of correspondence for mailing with the U.S. Postal Service. Correspondence so collected and processed is deposited with the U.S. Postal Service the same day in the ordinary course of business, postage fully prepaid.

I certify and declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 8, 2005, at Palo Alto, California.

  
KAREN J. WHIDBEE